

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
v.	)	Case No. CR-20-240-F
	)	
BOBBY CHRIS MAYES,	)	
CHARLES GOOCH, and	)	
COURTNEY WELLS,	)	
	)	
Defendants.	)	

**DEFENDANT’S SECOND MOTION TO CONTINUE  
HEARING ON PENDING POST-TRIAL MOTIONS**

Defendant, Bobby Chris Mayes (“Defendant”), by and through his counsel of record, Vicki Zemp Behenna, W. Brett Behenna, Rachel N. Jordan, and William H. Bock, respectfully requests a thirty-day continuance of the hearing on pending post-trial motions, currently set for November 15 and 16, 2022, and all related deadlines, including the October 7, 2022 deadline to submit witness and exhibit lists and a summary of anticipated Rule 702 expert testimony. This Court is well aware of the background of this case so Defendant will proceed immediately to the issue presently before it.

1. On September 15, 2022, this Court set all pending post-trial motions<sup>1</sup> for hearing on November 15 and 16, 2022. (Doc. No. 238).

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<sup>1</sup> Pending post-trial motions include a Joint Motion for New Trial Based on Prosecutorial Misconduct (Doc. No. 195), Amended Motion for New Trial Based on Insufficiency of the Evidence (Doc. No. 198), and Motion for New Trial Based on Newly-Discovered Evidence (Doc. 227).

2. The Court further ordered counsel for Defendant to file a witness and exhibit list and summary of anticipated Rule 702 expert testimony by October 3, 2022. *Id.*

3. Defendant previously requested a brief extension of this deadline, until October 7, 2022, which the Court granted. (Doc. Nos. 239, 240).

4. On October 5, 2022, at 4:35 p.m., Courtroom Deputy Lori Gray circulated an unsolicited email that was sent to McKenzie Anderson, Thomas Snyder, and the Court from derickwilliamsok@gmail.com (the “Email”) alleging, among other things, that the author of the email was interviewed by the United States Attorney’s Office in July/August 2021 and provided over 300 pages of text messages involving Andy Elliott, which purportedly show him “laughing about doing all kinds of crazy crap.”

5. Defense counsel has never been made aware of an interview in July/August 2021 with Derick Williams or DS, much less been provided with any of the text messages referenced in the Email. Therefore, at a minimum, the Email calls into question whether the government complied with its *Brady/Giglio* obligations.

6. Of equal significance are the text messages attached to the Email, which establish in no uncertain terms that Mr. Elliott and Donna Mullins, another government witness, were involved in a physical relationship.

7. In light of the gravity of the allegations in the Email and their potential significance to the Court’s ruling on the pending post-trial motions (namely, the Joint Motion for New Trial Based on Prosecutorial Misconduct), Defendant respectfully requests this Court grant a thirty-day continuance of the November 15 and 16, 2022 hearings and all related deadlines. The requested continuance is necessary to afford

Defendant an opportunity to investigate the new information and, if necessary, supplement the pending post-trial motions.

8. Counsel for Defendant has attempted to contact the government regarding this request but, as of the time of this filing, has not received a response.

### **RELIEF REQUESTED**

For the reasons set forth herein, Defendant respectfully requests a thirty-day continuance of the hearing on pending post-trial motions and all related deadlines, including the October 7, 2022 deadline to submit witness and exhibit lists and a summary of Rule 702 expert testimony.

Respectfully submitted,

/s/ Vicki Zemp Behenna

Vicki Zemp Behenna, OBA #10734

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 6<sup>th</sup> day of October, 2022, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF System for filing and transmittal of Notice of Electronic Filing, which will automatically send e-mail notification of such filing to all attorneys of record.

/s/ Vicki Zemp Behenna